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EXAMINER

BONZO, BRYCE P

ART UNIT	PAPER NUMBER
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2114

DATE MAILED: 04/22/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/887,971

Applicant(s)

LACHIMIA ET AL.

Examiner

Bryce P Bonzo

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/22/01.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/22/01 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4 and 5</u> . | 6) <input type="checkbox"/> Other: _____ |

NON-FINAL OFFICIAL ACTION

Status of the Claims

Claims 1-26 are pending.

Claim 26 is a proper hybrid claim.

Claims 24 and 25 are rejected under 35 USC §112.

Claims 1, 4, 6-23 and 26 are rejected under 35 USC §102.

Claims 2, 3, 5, 24 and 25 are rejected under 35 USC §103.

Permissible Hybrid Claim

Claims 26 is a hybrid claim a hybrid of an independent method in conjunction with a shift of invention to a computer-readable medium. The metes and bound of this claim can be easily determined. Applicant is advised a hybrid claim is an Independent claim, and will be charged any shortcoming of necessary fees.

Rejections under 35 USC §112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 24 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 24 and 25 contains the trademark/trade name MICROSOFT WINDOWS. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe a window based OS and, accordingly, the identification/description is indefinite.

Rejections under 35 USC §102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4, 6-23 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Vroman (United State Patent No. 6,691,064).

As per claim 1, Vroman discloses:

A computer-implemented method for diagnosing, correcting, and repairing problems with power system assembly components, the method comprising:

- providing a list of power system assembly components (Figure 8, item 202);
- receiving a selection of a component of interest (Figure 8, item 204);
- providing a list of potential conditions of the component of interest (column 8, lines 59-62);

- providing, in response to the selection of one of said potential conditions, a step-by-step series of actions to take to address the selected condition (column 5, lines 48-52; column 7, line 51 through column 8, line 12).

As per claim 4, Vroman discloses:

The method of claim 1 further comprising providing information concerning a kit to do at least one of repair, service and replace the component (column 5, lines 34-47).

As per claim 6, Vroman discloses:

The method of claim 1, further comprising providing at least one of pictures, drawings, figures, instruction manuals, data bulletins, schematics, videoclips, photographs, marked up photographs and field advisory data sheets (column 5, lines 34-37; column 7, lines 57-65; column 10, lines 3-29).

As per claim 7, Vroman discloses:

The method of claim 1, wherein at least one of said series of actions to take further comprises an action to repair the component (column 14, lines 47-50).

As per claim 8, Vroman discloses:

The method of claim 1, wherein at least one of said series of actions to take further comprises an action to service the component (column 13, line 32; column 14, lines 47-50; column 12, lines 55-58).

As per claim 9, Vroman discloses:

The method of claim 1, wherein at least one of said series of actions to take further comprises an action to replace the component (column 10, lines 44-46).

As per claim 10, Vroman discloses:

The method of claim 1, wherein at least one of said series of actions to take further comprises an action to operate the component (column 19, lines 15-23).

As per claim 11, Vroman discloses:

The method of claim 4, wherein said kit contains a plurality of components (column 7, lines 23-27).

As per claim 12, Vroman discloses:

The method of claim 1, wherein said list of potential conditions are represented as topics (column 10, lines 30-37).

As per claim 13, Vroman discloses:

The method of claim 1, wherein said list of potential conditions of the component of interest is represented as books (column 10, lines 30-37).

As per claim 14, Vroman discloses:

The method of claim 1, wherein said step-by-step series of actions are displayed as chapters (column 10, lines 30-37).

As per claim 15, Vroman discloses:

A method of providing services for diagnosing, repairing, servicing or replacing an electric power system assembly component, the method comprising:

providing a user interface enabling identification of a component of interest (Figure 8, item 202);

receiving information concerning the component of interest (Figure 8, 204);

providing a list of possible conditions of the component of interest (column 8, lines 59-62);

receiving information concerning the condition of interest (column 8, lines 59-62);

and

providing a series of actions associated with the condition of interest (column 5, lines 48-52; column 7, line 51 through column 8, line 12).

As per claim 16, Vroman discloses:

The method of claim 15, further comprising providing at least one of pictures, drawings, figures, instruction manuals, schematics, videoclips, photographs, marked up photographs and field advisory datasheets (column 5, lines 34-37; column 7, lines 57-65; column 10, lines 3-29).

As per claim 17, Vroman discloses:

The method of claim 15, wherein said services are provided via a computer network (column 5, lines 4-9).

As per claim 18, Vroman discloses:

The method of claim 17, wherein the network is the Internet (column 5, lines 4-9).

As per claim 19, Vroman discloses:

The method of claim 15, further comprising identifying a part to be replaced (column 10, lines 38-44).

As per claim 20, Vroman discloses:

The method of claim 19, further comprising identifying an order number associated with said part to be replaced (column 11, lines 5-11).

As per claim 21, Vroman discloses:

The method of claim 19, further comprising identifying a kit number associated with said part to be replaced (column 11, lines 5-11).

As per claim 22, Vroman discloses:

A method for diagnosing, correcting, and repairing problems with power system and assembly components, the method comprising:

accessing an on-line diagnostic tool (column 12, lines 53-58 and column 15, lines 8-35);

interacting with said diagnostic tool by selecting a component of interest (Figure 8, items 202 and 204);

obtaining a hierarchical list of conditions associated with said component of interest (column 10, lines 30-34 "visual drill down");

selecting a possible condition of interest (column 10, lines 30-37);

following steps displayed by said diagnostic tool in response to selected condition (column 5, lines 48-52; column 7, line 51 through column 8, line 12); and

if required, ordering a replacement part from within said diagnostic tool (column 11, line 5-11).

As per claim 23, Vroman discloses:

A system comprising a server computer, the server comprising:

- a database of electric power assembly components to be identified, repaired, serviced or purchased (Figures 2 and 9);
- an interface that accepts input concerning the component of interest Figure 2, item 40);
- and a help engine that:
 - receives information concerning the component of interest (column 5, lines 52-60);
 - receives data concerning actions to take associated with the component of interest (column 5, lines 47-52);
 - and displays the data concerning actions to take (column 7, line 49 through column 8, line 12).

As per claim 26, this method is carried in the system of Vroman on a computer and is described in the rejection of claim 1.

Rejections under 35 USC §103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 5, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vroman (United States Patent No. 6,691,064 B2).

As per claim 2, Vroman does not explicitly disclose:

wherein said list of potential conditions of the power system assembly component is a hierarchical list in the order of most common to least common.

Official Notice is given that the use of hierarchical lists from most to least common was widely known and used in the art prior to the filing of this Application in the automated help technologies. This particular ranking schema is most useful for novice users as the probability of finding a solution by simply viewing the list in order is high. Thus it would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated a hierarchical list from most to least common in the system of Vroman thus creating a system which in the hands of a novice more quickly provides a correct answer.

As per claim 3, Vroman does not explicitly:

wherein said list of potential conditions of the power system assembly component is a hierarchical list in the order of less complex to more complex.

Official Notice is given that the use of hierarchical lists from least to most complex was widely known and used in the art prior to the filing of this Application in the automated help technologies. This listing schema is used when the user is able to quickly eliminate simple conditions from their search. As the user views the conditions each one becomes more complex. Upon determining the correct condition, the user has avoided having to analyze conditions descriptors that are more complex, and thus has saved time in selecting a condition. Thus it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate a least to most complex hierarchy in a list thus enabling a knowledgeable user to more quickly select a correct condition as opposed to selecting from a randomized list.

As per claim 5, Vroman does not explicitly disclose:

wherein the power system components comprise circuit-breakers.

Official Notice is given that circuit breakers are ubiquitous in large scale systems such as vehicles. Circuit breakers are designed in most systems to easily replaceable and easily accessible. circuit breakers are used to prevent circuit overload in electrical systems. Vroman does disclose the use in locomotives and other large vehicles. Thus it would have been obvious to one of ordinary skill in the art at the time of invention to

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include circuit breakers as a component for diagnosing and repairing in the system of Vroman, thus creating a more robust system handling aspects of power failure.

As per claim 23, Vroman does not explicitly disclose:

wherein said help engine is a MICROSOFT WINDOWS-based engine.

Official Notice is given that it was well known in the art of computer related diagnostics to use Microsoft Windows™ to create a help system. The Windows operating system is ubiquitous. It is present on servers, desktops, laptops and PDAs. Vroman is disclosed as existing on a PDA or laptop-type device. Thus it would have been obvious to one of ordinary skill in the art to use the inherent help system found in Windows based products to improve the computer based diagnostic of Vroman which already existed on a portable computing system. Doing so provides the user with a convenient and readily accessible help system which most of the computer using populace is already exposed to.

As per claim 25, Vroman does not explicitly disclose:

wherein said MICROSOFT WINDOWS-based engine contains icons denoting at least one of a topic, a book and a chapter.

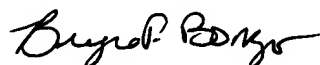
This is the presentation schema used by the help function in Microsoft Windows, and is often referred to as a drill down help system, as used by Vroman.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryce P Bonzo whose telephone number is (703) 305-4834. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (703) 305-9713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Bryce P Bonzo
Examiner
Art Unit 2114
